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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,633	05/02/2005	Lutz Neubauer	6400-0043WOUS	1790
49698 7590 03/27/2008 MICHAUD-DUFFY GROUP LLP 306 INDUSTRIAL PARK ROAD SUITE 206 MIDDLETOWN, CT 06457				
EXAMINER				
JOERGER, KAITLIN S				
ART UNIT		PAPER NUMBER		
3653				
MAIL DATE		DELIVERY MODE		
03/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/533,633

**Applicant(s)**

NEUBAUER ET AL.

**Examiner**

KAITLIN S. JOERGER

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 13-16, 18 and 24 is/are rejected.  
7) ☒ Claim(s) 12-23 and 25 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by GB 2293476.

Regarding claim 13, the GB '476 patent teaches a card-processing apparatus comprising:

- a card tray, see figure 1;
- a device, 71, 72, and 73, for sensing the position of a card in the card tray;
- a holding device, 41 and 61; 42 and 62; and 43 and 63, for a card that has stopped in an irregular manner in the card tray due to manipulation of the card-processing apparatus; and
- wherein the holding device is activated if a change in the position of the card is not detected even though a conveying signal has been issued to the card-conveying device, see figure 3.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2293476 A in view of Fisher.

Regarding claim 14, the GB '476 reference teaches all of the features of the claimed invention except that the holding device has at least one gripper, but Fisher does teach this feature. Fisher teaches a card-processing apparatus with a holding device, 14, that has at least one gripper, 15, removeable between a gripping and non-gripping position, when in the gripping position, the gripper is brought into contact with one of the sides of the card when the holding device is activated, and wherein the gripper presses the card against a counter-bearing and is provided with a great holding force to the card in relation to a pulling-out force, see column 3, lines 54+ through column 4, line 48.

It would have been obvious to one of ordinary skill in the art to replace the holding device taught by the GB '476 reference with the holding device taught by Fisher to achieve the predictable result of preventing removal of the card from the card-processing device.

Regarding claim 15, Fisher teaches that the counter-bearing is a counter-gripper, 16, located opposite the gripper and acting on an opposing side of the card.

Regarding claim 16, Fisher teaches that the gripper has in a region that comes into contact with the surface of the card a high friction coefficient with respect to the card, see column 3, lines 19+.

Regarding claim 18, Fisher teaches that at least one of the gripper and the counter-gripper is formed as an eccentric attached in a rotationally fixed manner to a shaft which can be rotated about its axis by an electromechanical drive, and is adjustable by said shaft between a position releasing the card tray and a holding position, the shaft lying ahead of a region where the

eccentric is in contact with the card relative to the drawing-in direction of the card-processing apparatus, see figures 1 and 2.

Regarding claim 24, Fisher teaches that the holding device of which has at least one bolt, 30, which is brought into contact with one of the side of the card and penetrates the card when the holding device is activated.

#### ***Allowable Subject Matter***

Claims 17, 19-23 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 4 January 2008 have been fully considered but they are not persuasive.

Applicant first argued that the '476 reference does not teach a sheet tray as claimed in claim 13. According to the specification the sheet tray is reference numeral 16, in the figures. Reference numeral 16 points to a dashed line in figures 1 and 3, and is not shown to have any specific structure. Figure 1 shows the apparatus to have an Opening as the right end with front walls and side walls that run along the conveying path, this was construed as the "sheet tray" by the applicant. Figure 1, which was referred to by the examiner to show the sheet tray, depicts an opening with front walls and side walls, and therefore, it is clear that the '476 reference does teach a sheet tray as claimed in claim 13.

Applicant further argues that the '476 does not teaches a holding device that is activated if a change in the position of the card is not detected even though a conveying signal has been issued. Figure 3, as referenced by the examiner in the previous office action, does show this feature. Figure 3 indicates that a conveying signal is sent to drive the card feed motor, position sensors, 71, 72, and 73, detect the position of the card in the apparatus. If after an elapsed period of time a position sensor is not turned off, in other words, if a card is not moved beyond a position sensor, then an emergency stop signal is sent to the apparatus and the card is held. The '476 reference, therefore does clearly teach the holding device of claim 13.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAITLIN S. JOERGER whose telephone number is (571)272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art Unit 3653

Kaitlin S Joerger  
Primary Examiner  
Art Unit 3653

18 March 2008